

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:08-CR-50-WKW
)	
CHRISTOPHER C. DEAN)	

ORDER

This case is before the court on defendant's Motion to Continue (Doc. # 21). The criminal case is currently set for trial during the August 18, 2008 term. For the reasons set forth below, the court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." *Id.* § 3161(h)(8)(A). Additionally, in calculating the 70 day period, any "delay resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of,

such motion” is excluded in the computation of time. *Id.* § 3161(h)(1)(F).

Here, defendant Dean filed a motion to dismiss on July 28, 2008. The period of time between the filing of this motion and its resolution is excluded from the Speedy Trial calculus. Alternatively, the court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Defendant Dean in a speedy trial. In support of his motion to continue, Dean explains that a continuance is needed to give sufficient time for consideration of the pretrial motion. The motion is unopposed by the government.

Accordingly, it is ORDERED that the defendant’s Motion to Continue Trial (Doc. # 21) is GRANTED. Trial in this matter is continued from August 18, 2008, to the criminal term of court beginning on **December 1, 2008.**

DONE this 29th day of July, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE